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ENCLOSURES (*Check all that apply*)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No.	:	10/648,069	Confirmation No.: 3378
Applicant	:	Neelima Atluri	
Filed	:	08/26/2003	
TC/A.U.	:	3611	
Examiner	:	Silbermann, Joanne	
Docket No.	:	NAI001	
Customer No.	:	28848	

For: "Illustrative Drug Card"

AMENDED BRIEF ON APPEAL

Hon. Commissioner for Patents
Washington, D.C. 20231

Sir:

This is an appeal from the Final Rejection, dated November 01, 2005, for the above-identified patent application. In response to the Amended Appeal Brief filed on July 27, 2006, the Examiner prepared a Notification of Non-Compliant Appeal Brief, dated August 10, 2006, stating that the Appeal Brief does not contain the items required under 37 CFR 41.37 (c). More specifically, the Examiner indicated that the Claims Appendix should list only those claims that are on appeal. The Appellant respectfully submits this Amended Appeal Brief with the relevant sections corrected as indicated by the Examiner.

REAL PARTY IN INTEREST

The present application has not been assigned, and as such, the real party in interest is Neelima Atluri.

RELATED APPEALS AND INFERENCES

The Appellant is unaware of any other appeals or interferences related to the subject matter of this appeal.

STATUS OF CLAIMS

Claims 1-4 and 6-31 are pending and are under Final Rejection as a result of the Office Action dated November 01, 2005. Claims 5 and 32-40 have been withdrawn from consideration. The Appellant appeals from the rejection of Claims 1-4, 6-9, 14-18, and 23-27. Further, the Appellant submits that the remaining claims, Claims 10-13, 19-22, and 28-31 are patentable at least through their dependence upon an allowable base claim. The appealed claims are reproduced in the Claims Appendix.

STATUS OF AMENDMENTS

No Amendment after Final Rejection has been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to drug cards that help patients understand when and how to administer medications and, more specifically, to an illustrative drug card using illustrations and symbols that allow patients to easily differentiate between medications, recognize which pills to administer at different times of a day, and recognize which medications to administer with food. (*See* Specification, page 1, lines 5-9).

The drug card in the present invention comprises an illustrative drug card 100 with illustrations 102 and symbols 108 and 110, as is claimed in Claim 1. The illustrative drug card 100 has an illustrative portion 200 containing a list of medications used by a patient, where the list is represented by an illustration of each medication 102, as is claimed in Claim 1. The card 100 further includes a symbol-aided instruction 108 regarding when to administer a medication listed in the list of medications, and a symbol-

aided instruction 110 on how to administer a medication listed in the list of medications, as is claimed in Claim 1. (*See* Specification, page 3, lines 9-14, and Figures 1, 2A and 2B).

In another aspect, the illustrative drug card 100 is foldable into a wallet-sized booklet 500, such that when folded, the wallet sized booklet 500 is in a substantially planar form, as is claimed in Claim 2. (*See* Specification, page 3, line 16, and Figures 1 and 5).

In yet another aspect, the illustrative drug card 100 is a substantially planar sheet and the illustrative drug card 100 further comprises a magnetic backing 202 such that the magnetic backing 202 is approximately the same size as the planar sheet, as is claimed in Claim 3. (*See* Specification, page 3, lines 18-19, and Figures 1 and 2A).

In another aspect, the illustration of each medication 102 is a photograph, as is claimed in Claims 4, 14, and 23. (*See* Specification, page 3, line 21, and Figure 1).

In yet another aspect, the symbol-aided instruction regarding when to administer a medication includes a symbol representing a time of a day 108, as is claimed in Claims 6, 15, and 24. (*See* Specification, page 3, lines 26-27, and Figure 1). The symbol representing a time of a day 108 includes an item selected from a group consisting of a sun, moon, and stars, as is claimed in Claims 7, 16, and 25. (*See* Specification, page 3, lines 27-28, and Figure 1).

In another aspect, the symbol-aided instruction regarding how to administer a medication is a set of symbols representing what to administer with the medication 110, as is claimed in Claims 8, 17, and 26. (*See* Specification, page 4, lines 1-2, and Figure 1). The symbols representing what to administer with the medication 110 includes an item selected from a group consisting of a liquid and food, as is claimed in Claims 9, 18, and 27. (*See* Specification, page 4, lines 2-4, and Figure 1).

In yet another aspect, on the illustrative portion 200, the illustrative drug card 100 further comprises patient-specific allergy information 112, contact information 114, and medication interaction precautions 116, as is claimed in Claims 10-12, 19-21, and 28-30. (*See* Specification, page 4, lines 6-8, and Figures 1, 2A and 2B).

Finally, the illustrative portion 200 further comprises brail 604, whereby blind patients may read the illustrative drug card 100 in brail 604, as is claimed in Claims 13, 22, and 31. (*See* Specification, page 4, lines 10-11, and Figures 1, 2A, 2B, and 6).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Issue 1 – Are Claims 1-4, 6-9, 14-18, and 23-27 patentable under 35 USC 103(a) over U.S. Patent No. 5,393,100, to Coe (hereinafter referred to as "the Coe patent"), in view of U.S. Patent No. 5,261,702, to Mayfield (hereinafter referred to as "the Mayfield patent")?

Issue 2 – Are Claims 10-12, 19-21, and 28-30 patentable under 35 U.S.C. 103(a) over the Coe patent and the Mayfield patent, and further in view of U.S. Patent No. 6,575,297, to Schutten (hereinafter referred to as "the Schutten patent")?

Issue 3 – Is Claim 13 patentable under 35 U.S.C. 103(a) over the Coe patent and the Mayfield patent, as applied to Claim 1, and further in view of U.S. Patent No.4,593,819, to Will (hereinafter referred to as "the Will patent")?

Issue 4 – Are Claims 22 and 31 patentable under 35 U.S.C. 103(a) over the Coe patent, the Mayfield patent, and the Schutten patent, as applied to Claim 21, and further in view of the Will patent?

THE ARGUMENT

***Issue 1** – Are Claims 1-4, 6-9, 14-18, and 23-27 patentable under 35 USC 103(a) over the Coe patent in view of the Mayfield patent?*

In section 4 of the Office Action of November 01, 2005, the Examiner rejected Claims 1-4, 6-9, 14-18, and 23-27 as being unpatentable under 35 USC 103(a) over the Coe patent in view of the Mayfield patent. The Appellant submits that neither the Coe patent nor the Mayfield patent, either alone or in combination, teach each and every element as set forth in the rejected claims. Further, the Appellant submits that there is no

motivation or suggestion to modify the devices taught by either of the Coe patent or the Mayfield patent to arrive at the invention as taught by the present application.

Claim 1

Regarding Claim 1, the Examiner stated that the Coe patent teaches a card (Figure 2) including an illustrative portion having a photograph of a drug 44. The Examiner further stated that the Coe patent shows instructions 54 for taking the drugs, but that the instructions do not include symbols. However, the Examiner stated that this is well-known in the art as shown by the Mayfield patent. The Examiner further stated that the Mayfield patent teaches symbols 18 to assist in taking medications (Figure 2, showing the times of the day, and including stars). The Examiner stated that the Coe patent and the Mayfield patent do not specifically teach using symbols for the instruction on how to take the medication; however, the Examiner concluded that it would have been obvious to one of ordinary skill to utilize symbols for this indicia to make it easier to read as well. The Examiner further concluded that it would have been obvious to a person having ordinary skill in the art to utilize symbols, as in the Mayfield patent, to convey the instructions in the Coe patent so as to provide clear instructions for patients with poor eyesight.

In order to establish a *prima facie* case of obviousness, the Examiner must set forth an argument that provides (1) one or more references (2) that were available to the inventor and (3) that teach (4) a suggestion to combine or modify the references, (5) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. Importantly, the teaching or suggestion to make the claimed combination must be found in the prior art, not in Appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

Additionally, the four factors relevant to determining obviousness are: 1) the scope and content of the prior art, 2) the differences between the prior art and the claims at issue, 3) the level of ordinary skill in the art when the invention was made, and 4) secondary indicia, such as commercial success and copying. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 86 S.Ct. 684, 694, 15 L.Ed.2d 545 (1966). In addition, an examiner addressing obviousness must not take a "piecemeal approach, one in which [the

Examiner] takes the individual elements, item by item, and tries to show us that they each exist somewhere in the prior art. 'That all elements of an invention may have been old (the normal situation), some old and some new, or all new, is ... simply irrelevant.' " *Litton Systems,* 728 F.2d at 1443 (*quoting Environmental Designs Ltd. v. Union Oil Co. of California,* 713 F.2d 693, 698 (Fed.Cir.1983)); *see also Avia,* 853 F.2d at 1564 ("That some components of [the challenged patent] exist in prior art references is not determinative. '[I]f the combined teachings suggest only components of the Claimed design but not its overall appearance, a rejection under section 103 is inappropriate.' "). (*quoting In re Cho,* 813 F.2d 378, 382 (Fed.Cir.1987)).

The Appellant respectfully submits that neither the Coe patent nor the Mayfield patent teach all of the claimed limitations of Claim 1. Specifically, as admitted by the Examiner, the referenced art does not teach, disclose, or suggest a symbol-aided instruction on how to administer a medication listed in the list of medications. The Examiner claims that it would have been obvious to one of ordinary skill to utilize symbols for this indicia to make it easier to read as well.

The Examiner misinterprets the significance of the Coe patent and the Mayfield patent. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." *In re Mills*, 916 F.2d at 682, 16 USPQ2d at 1432 (Fed. Cir. 1990). If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Furthermore, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

The Coe patent discloses a medicine scheduler that has a place for a picture of the tablet or other mediation involved, and a space for instructions concerning that medication. (*See* the Coe patent, Abstract). The Coe patent teaches a "rectangular instruction area 54...where the physician can handwrite or type-write instructions, for example, "one in morning" "two after each meal" etc." (*See* the Coe patent, col 3, lines 59-62). Additionally, "a large area 58 is proved...where special instructions can be inserted by the physician, for example, instructions concerning exercise, meals, the drinking of liquids, etc." (*See* the Coe patent, col. 4, lines 36-39).

The areas taught by the Coe patent are specifically designed as open areas where a physician can handwrite or typewrite instructions on how to administer medications. The Coe patent is to be contrasted with the present application, where actual symbols are used to indicate what to administer with the medications. For example, the present invention uses symbols representing food or liquid to indicate that a particular medication needs to be administered with a food or liquid. Because an open area is needed in order to handwrite or typewrite instructions, there is no motivation or suggestion to combine the invention taught by the Coe patent with symbols used by the present invention.

Furthermore, such a modification would render a device as taught by the Coe patent unsatisfactory for its intended purpose and would further change the principles of operation of the device. Use of symbols instead of open areas would prevent a physician from handwriting or typewriting instructions therein. Because an intended purpose of this aspect of the Coe patent allows for written instructions, there is no suggestion or motivation to make the proposed modification.

Similarly, the Mayfield patent discloses a chart listing medications, dosage times, and notes. The chart includes "a notes section 20 to provide general information regarding the various medications 12, such as specific dosages, side effects, and precautions (e.g., "Take with food" or "No alcohol," as shown in FIG. 2)." (*See* the Mayfield patent, col. 6, lines 12-16). The invention taught by the Mayfield patent further provides "an eraser sponge, depicted in FIG. 9, by which marking pencil or pen notations may be erased on the chart 10. Thus, marking pen notations in [the]...notes section 20 of

the chart 10 may be conveniently erased and modified to reflect a changed medication regimen. The erasable nature of markings on [the] chart 10 (attributable to the plastic surface on [the] chart 10) allows an advantageous degree of flexibility in the invention; nearly any daily regiment may be marked upon and then quickly rescheduled on the chart 10." (*See* the Mayfield patent, col. 6, lines 47-57).

The Mayfield patent describes a notes section that is used to indicate how to administer a medication listed in the list of medications. As was the case with the Coe patent, a key feature of the notes section in the Mayfield patent is that it allows a user to write down specific directions that can later be erased. Instead of a note section, the present application describes using fixed symbols to indicate what to administer with the medications. Because an intended purpose of the note section is to write down erasable instructions on how to administer a medication, the use of fixed symbols instead would change the principle operations of this aspect of the Mayfield patent. Thus, as was the case with the Coe patent, there is no suggestion or motivation to make the proposed modification.

Furthermore, improvements on crowded prior art are patentable. In addressing such an issue, the court stated that "like many inventions, the new design is not an astonishing breakthrough or a new technology. Nevertheless, it is a significant non-obvious improvement on prior art. Sometimes achievement is revolutionary, but more often an inventor begins where others leave off and perceives the vital forward step to which predecessors have been blind. The courts must take care to not conclude that an innovation is obvious because it has become obvious by hindsight." *Berkely Park Clothes, Inc. v. Firma Shaeffer-Homberg GMBH*, 217 U.S.P.Q. (BNA) 388 (1981). The patent at issue in *Berkely*, U.S. Patent No. 3,872,554, was a closure for clothing in an area of crowded prior art. The court addressed the crowded art issue specifically, stating that "the field is a crowded field. It is an old field..... The non-obviousness is, I think shown rather dramatically by the rather surprising list of earlier patents of closures of this type, none of which approach this one in its conception." (*See Berkely*) (emphasis added).

As was the case in *Berkely*, the present improvement may not be revolutionary, but it is a significant non-obvious improvement on prior art. For example, the Examiner used multiple references and made many other prior art references of the record. As in the case of *Berkely*, the present invention is in a crowded field, where the non-obviousness can be shown by the rather surprising list of earlier patents, none of which approach the present application in its conception. Accordingly, Claim 1 is non-obvious as evidenced by the large number of prior art.

Therefore, neither the Coe patent nor the Mayfield patent, either alone or in combination, teach each of the claimed limitations of Claim 1. Furthermore, there is no suggestion or motivation to modify the either the Coe patent or the Mayfield patent to arrive at the invention taught by the present application. Thus, the Appellant respectfully requests that this rejection be withdrawn.

Claim 2

Regarding Claim 2, the Examiner stated that the sheet 30 shown in the Coe patent may be folded into a wallet sized, planar booklet.

Sheet 30 of the Coe patent depicts a "medicine schedule...that can include a list of general information 56, for example, a list entitled, The Ten Do's and Don'ts of Prescription Medicine." (*See* the Coe Patent, col. 4, lines 5-8). Nowhere in sheet 30 of the Coe patent are there any references to an illustrative drug card that includes an illustrative portion, a symbol-aided instruction on when to administer a medication, and a symbol-aided instruction on how to administer a medication, nor are there any references in the prior art to combine sheet 30 with such an illustrative drug card.

Furthermore, modifying either of the inventions taught by the Coe patent or the Mayfield patent to be a foldable, wallet-sized booklet that is substantially planar in form would render the prior art of both inventions unsatisfactory for their intended purposes. Additionally, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

By its very nature, the invention of the Coe patent is unable to be modified as a wallet-sized booklet that is substantially planar in form. The Coe patent teaches a binder system that "carries a pad of medicine schedules and a pad of medicine display cards." (*See* the Coe patent, Abstract). "The width of spacer panels 15 and 17 equal the thickness of a pad 28 containing a multiplicity of medicine schedules 30, and a pad 32 containing a multiplicity of medication display cards stacked on top of the other, and bound together at a pivoting binding 34, such as a ring-binding or spiral-binding." (*See* the Coe patent, col. 2, line 68 through col. 3, line 6). As clearly depicted in FIG. 1, the width of the spacer panels 15 and 17 (to accommodate the two pads) is not minimal, such that when folded (as shown in FIG. 4), the folder is nowhere near a wallet-sized booklet that is substantially planar. Additionally, the inclusion of the two pads 28 and 32 is an integral part of the Coe patent and therefore there is no suggestion or desirability to modify the invention of the Coe patent to be substantially planar.

A similar case exists with the Mayfield patent. The Mayfield patent teaches a chart that, "in the preferred embodiment,...is made of a material such as ferrous sheet metal." (*See* the Mayfield patent, col. 4, lines 35-37). Although other materials are listed for the chart, "in all embodiments, the uppermost layer or surface of the chart 10 preferably comprises a plastic material. In laminate embodiments of the chart 10, the plastic material comprises the uppermost laminate layer; alternatively, the chart 10 may comprise a single sheet of plastic material. Such plastic provides a receptive and easily erasable surface for marks made by marking pencils or pens..." (*See* the Mayfield patent, col. 5, lines 15-21).

The chart described in the Mayfield patent is specifically designed to be affixed with a surface to allow a user to mark upon the chart. By using a magnetic backing or by laminating the chart, the chart is substantially rigid. Based on the need for a rigid chart that can be affixed with a surface, creating a chart that is foldable into a substantially planar form would likely render the chart unsuitable for its intended purpose.

Furthermore, the chart of the Mayfield patent is designed to allow users to use erasable markers upon its surface. If the chart were folded into a substantially planar

form, the markings would likely smear and become unreadable. Therefore, one skilled in the art would not be motivated to modify the chart of the Mayfield patent so that it can be folded into substantially planar form, as such a form could smear and destroy whatever markings were made on the chart.

Therefore, neither the Coe patent nor the Mayfield patent, either alone or in combination, teach each of the claimed limitations of Claim 2. Furthermore, there is no suggestion or motivation to modify the either the Coe patent or Mayfield patent to arrive at the invention taught by the present application. Thus, the Appellant respectfully requests that this rejection be withdrawn.

Claim 3

Regarding Claim 3, the Examiner stated that the Mayfield patent teaches a sheet having a magnetic backing (column 2 lines 60-63).

Claim 3 is dependent upon Claim 1. For the reasons given above, the Appellant submits that Claim 1 is patentable over the cited prior art. Thus, the Appellant submits that Claim 3 is also patentable over the cited prior art, at least through its dependence upon an allowable base claim. Therefore, the Appellant believes that these claims are in allowable condition and respectfully requests that this rejection be withdrawn.

Claims 4, 14, and 23

Claims 4, 14, and 23 relate to the illustration of each medication being a photograph. Claims 4, 14, and 23 are dependent upon Claim 1. For the reasons given above, the Appellant submits that Claim 1 is patentable over the cited prior art. Thus, the Appellant submits that Claims 4, 14, and 23 are also patentable over the cited prior art, at least through its dependence upon an allowable base claim. Therefore, the Appellant believes that these claims are in allowable condition and respectfully requests that this rejection be withdrawn.

Claims 6, 7, 15, 16, 24, 25

Regarding Claims 6, 7, 15, 16, 24, 25, the Examiner made a brief comment related to these claims, stating that the Mayfield patent teaches symbols 18 to assist in taking medications (showing the times of the day, including stars), and that it would have been obvious to a person having ordinary skill in the art to utilize symbols, as in the Mayfield patent, to convey the instructions in the Coe patent.

The Examiner has misinterpreted the Mayfield patent. The Mayfield patent teaches using randomly selected symbols that are coded to indicate which medications to take at different times of the day. "The coded symbols comprise distinctive varying shapes, such as circles, square, triangles, diamonds, crosses, rectangles, stars, and the like, for designating corresponding various medicines to be taken by the patient. Each medication marking element is preferably substantially identical in shape to its corresponding coded symbol for designating each particular medicine to be taken." (*See* the Mayfield patent, col. 2, lines 28-35).

The symbols of the Mayfield patent are coded symbols that are coded with a corresponding coded symbol. The fact that a star was used is pure coincidence as it is not being used to represent a particular time of the day.

The Mayfield patent is to be contrasted with the present invention, where the symbol-aided instruction on when to administer a medication includes a symbol that actually represents a time of a day, such as a sun, moon, and stars. Nowhere in the Mayfield patent are any references to a symbol where the symbol itself represents a time of the day. Therefore, neither the Coe patent nor the Mayfield patent, either alone or in combination, teach each of the claimed limitations of Claims 6, 7, 15, 16, 24, or 25.

Thus, in addition to their dependency upon an allowable base claim, and for the reasons set forth above, the Appellant believes that these claims are in allowable condition and respectfully requests that this rejection be withdrawn.

Claims 8, 9, 17, 18, 26, and 27

Regarding Claims 8, 9, 17, 18, 26, and 27, the Examiner did not address the limitations set forth in these claims. Claims 8, 17, and 26 relate to a symbol-aided

instruction on how to administer a medication, where the symbol represents what to administer with the medication. Nowhere in the prior art are any references to a symbol that indicates what to administer with the medication. Additionally, Claims 9, 18, and 27 are related to the symbol being a depiction of an item selected from a group consisting of a liquid and food. Nowhere in the prior art are any references to symbols such as liquid and/or food.

Additionally, for the reasons set forth above regarding Claim 1, there would be no suggestion or motivation to modify the device taught by either of the Coe patent or the Mayfield patent to include the limitations set forth in Claims 8, 9, 17, 18, 26, and 27. Therefore, neither the Coe patent nor the Mayfield patent, either alone or in combination, teach each of the claimed limitations of Claims 8, 9, 17, 18, 26, and 27. Thus, the Appellant respectfully requests that this rejection be withdrawn.

Issue 2 – *Are Claims 10-12, 19-21, and 28-30 patentable under 35 U.S.C. 103(a) over the Coe patent and the Mayfield patent, and further in view of the Schutten patent?*

Regarding Claims 10-12, 19-21, and 28-30, the Examiner stated that the Coe patent and the Mayfield patent do not teach contact information, precautions, allergies, etc. However, the Examiner stated that this is well known in the art. The Examiner further stated that the Schutten patent teaches a drug card including such pertinent information (referring to Figure 2). The examiner concluded that it would have been obvious to one of ordinary skill to place such pertinent information on the card so as to provide information to the user or other medical professionals.

Claims 10-12, 19-21, and 28-30 are dependent upon Claim 1. For the reasons given above, the Appellant submits that Claim 1 is patentable over the cited prior art. Thus, the Appellant submits that Claims 10-12, 19-21, and 28-30 are also patentable over the cited prior art, at least through their dependence upon an allowable base claim.

Issue 3 – *Is Claim 13 patentable under 35 U.S.C. 103(a) over the Coe patent and the Mayfield patent, as applied to Claim 1, and further in view of the Will patent?*

Regarding Claim 13, the Examiner stated that the Coe patent and the Mayfield patent do not teach using Braille; however, the Examiner asserted that this is well known in the art. The Examiner further stated that the Will patent teaches a medical chart including Braille thereon (Figure 2). The Examiner concluded that it would have been obvious to one of ordinary skill in the art to utilize Braille on the card taught by the Coe patent and the Mayfield patent so that blind patients may use the card.

Claim 13 is dependent upon Claim 1. For the reasons given above, the Appellant submits that Claim 1 is patentable over the cited prior art. Thus, the Appellant submits that Claim 13 is also patentable over the cited prior art, at least through its dependence upon an allowable base claim.

Issue 4 – *Are Claims 22 and 31 patentable under 35 U.S.C. 103(a) over the Coe patent, the Mayfield patent, and the Schutten patent, as applied to Claim 21, and further in view of the Will patent?*

Regarding Claims 22 and 31, the Examiner stated that it would have been obvious to utilize Braille on the card shown in the Coe patent (as modified) so that blind patients may use the card.

Claims 22 and 31 are dependent upon Claim 1. For the reasons given above, the Appellant submits that Claim 1 is patentable over the cited prior art. Thus, the Appellant submits that Claims 22 and 31 are also patentable over the cited prior art, at least through their dependence upon an allowable base claim.

CONCLUSION

For the extensive reasons advanced above, the Appellant respectfully contends that each claim is patentable. Therefore, withdrawal of all rejections is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 CFR 1.136 is hereby made. Please charge any shortage of fees due in connection with the filing of this paper, including extension of time fees, to deposit account no. 50-2691 and please credit any excess fees to such deposit account.

Respectfully submitted,

9/8/2006
Date

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Encl:
Claims Appendix
Evidence Appendix
Related Proceedings Appendix

CLAIMS APPENDIX

1. (Previously Amended) An illustrative drug card, comprising:

an illustrative portion, where the illustrative portion includes a list of medications used by a patient, with the list represented by an illustration of each medication;

a symbol-aided instruction on when to administer a medication listed in the list of medications; and

a symbol-aided instruction on how to administer a medication listed in the list of medications.

2. (Previously Amended) An illustrative drug card as set forth in claim 1, wherein the illustrative drug card is foldable into a wallet sized booklet, such that when folded, the wallet sized booklet is in a substantially planar form.

3. (Previously Amended) An illustrative drug card as set forth in claim 1, wherein the illustrative drug card is a substantially planar sheet, and wherein the illustrative drug card further comprises a magnetic backing such that the magnetic backing is approximately the same size as the planar sheet.

4. (Original) An illustrative drug card as set forth in claim 1, wherein the illustration of each medication is a photograph.

6. (Previously Amended) An illustrative drug card as set forth in claim 1, wherein the symbol-aided instruction on when to administer a medication includes a symbol representing a time of a day.

7. (Original) An illustrative drug card as set forth in claim 6, wherein the symbol representing a time of a day includes an item selected from a group consisting of a sun, moon, and stars.

8. (Previously Amended) An illustrative drug card as set forth in claim 1, wherein the symbol-aided instruction on how to administer a medication is a symbol representing what to administer with the medication.

9. (Original) An illustrative drug card as set forth in claim 8, wherein the symbol representing what to administer with the medication includes an item selected from a group consisting of a liquid and food.

10. (Original) An illustrative drug card as set forth in claim 1, further comprising patient-specific allergy information on the illustrative portion.

11. (Original) An illustrative drug card as set forth in claim 1, further comprising contact information on the illustrative portion.

12. (Original) An illustrative drug card as set forth in claim 1, further comprising medication interaction precautions on the illustrative portion.

13. (Original) An illustrative drug card as set forth in claim 1, further comprising brail on the illustrative portion, whereby blind patients may read the illustrative drug card through the brail.

14. (Original) An illustrative drug card as set forth in claim 2, wherein the illustration of each medication is a photograph.

15. (Previously Amended) An illustrative drug card as set forth in claim 14, wherein the symbol-aided instruction on when to administer a medication includes a symbol representing a time of a day.

16. (Original) An illustrative drug card as set forth in claim 15, wherein the symbol representing a time of a day includes an item selected from a group consisting of a sun, moon, and stars.

17. (Previously Amended) An illustrative drug card as set forth in claim 16, wherein the symbol-aided instruction on how to administer a medication is a symbol representing what to administer with the medication.

18. (Original) An illustrative drug card as set forth in claim 17, wherein the symbol representing what to administer with the medication includes an item selected from a group consisting of a liquid and food.

19. (Original) An illustrative drug card as set forth in claim 18, further comprising patient-specific allergy information on the illustrative portion.

20. (Original) An illustrative drug card as set forth in claim 19, further comprising contact information on the illustrative portion.

21. (Original) An illustrative drug card as set forth in claim 20, further comprising medication interaction precautions on the illustrative portion.

22. (Original) An illustrative drug card as set forth in claim 21, further comprising brail on the illustrative portion, whereby blind patients may read the illustrative drug card through the brail.

23. (Original) An illustrative drug card as set forth in claim 3, wherein the illustration of each medication is a photograph.

24. (Previously Amended) An illustrative drug card as set forth in claim 23, wherein the symbol-aided instruction on when to administer a medication includes a symbol representing a time of a day.

25. (Original) An illustrative drug card as set forth in claim 24, wherein the symbol representing a time of a day includes an item selected from a group consisting of a sun, moon, and stars.

26. (Previously Amended) An illustrative drug card as set forth in claim 25, wherein the symbol-aided instruction on how to administer a medication is a symbol representing what to administer with the medication.

27. (Original) An illustrative drug card as set forth in claim 26, wherein the symbol representing what to administer with the medication includes an item selected from a group consisting of a liquid and food.

28. (Original) An illustrative drug card as set forth in claim 27, further comprising patient-specific allergy information on the illustrative portion.

29. (Original) An illustrative drug card as set forth in claim 28, further comprising contact information on the illustrative portion.

30. (Original) An illustrative drug card as set forth in claim 29, further comprising medication interaction precautions on the illustrative portion.

31. (Original) An illustrative drug card as set forth in claim 30, further comprising brail on the illustrative portion, whereby blind patients may read the illustrative drug card through the brail.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None